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EXAMINER
CAPUTO, LISA M

ART UNIT	PAPER NUMBER
2876	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/030,751	VAN SINDEREN, JOHANNES
	Examiner	Art Unit	
	Lisa M. Caputo	2876	.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 January 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10-14 and 19-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10-14 and 19-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Amendment

1.   Receipt is acknowledged of the amendment filed 21 January 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 3-8, 11-13, and 19-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kadaba et al. (U.S. Patent No. 6,285,916, from hereinafter "Kadaba")

in view of Kumar (U.S. Patent No. 5,489,773).

Kadaba teaches a multi-stage parcel tracking system. Kadaba teaches that

referring now in more detail to the drawings, in which like numerals refer to like parts

throughout the several views, FIG. 1 shows a parcel tracking system 10 embodying the

present invention in block diagram form. Referring to FIGS. 1 and 2, the system 10

includes an intelligent, hand-held, portable data entry and data processing device 12, of

the type known as a personal digital assistant (PDA). The PDA 12 includes a touch-

sensitive data entry and display screen 14 (as recited in claim 22 of the instant

application) capable of interpreting handwriting and of defining button or key areas 15.

For example, the screen may display a typewriter keyboard, a numeric keypad (as

recited in claim 23 of the instant application), or buttons programmed to allow a user to

cause certain operations to occur. A cursor controller 16 mounted on the housing of the

PDA enables movement of a cursor on the screen 14 by manual manipulation of the

controller 16 in a known manner. A preferred PDA for use in connection with the present

invention is model Z-7000 manufactured by Casio. The PDA 12 includes a processor or

CPU 17 which is operative to control various devices within the PDA. The processor 17

is connected to a screen driver circuit 14a, which operates the data acquisition and

display functions of the screen 14. The processor also is connected to a memory device

18, which may be RAM (protected by a battery back up), a removable memory card, or

other memory capable of use with a PDA. An input/output (I/O) circuit 20, connected to

the processor 17, controls communications between the PDA and external devices

through a modem 22, an infrared port 23, and a wand scanner 25. The modem may be

an internal modem or a plug-in peripheral type, and preferably is a model XJACK fax

modem card by Megahertz. The infrared port 23 is a known device commonly built into

PDAs for communication with other PDAs and PCs. The wand scanner 25 is preferably

a model Scanteam 6180 by Welch Allyn. The scanner 25 includes a light source and

detector for reading bar codes as the tip 25 of the wand is swept across a bar code 30

as shown in FIG. 2. The tip 25 is made of hard, transparent glass or plastic to withstand

repeated drawing across surfaces on which bar codes have been printed. The scanner

25 also includes within the wand a detector for detecting the light reflected from the bar

code 30 and circuitry for decoding the detector output. A resulting signal containing the

contents of the bar code 30 is transmitted to the I/O circuit 20 via a cable 27 plugged

into a communications port of the PDA. The wand scanner may require a battery pack

(not shown) for operating power. The battery pack can be attached to the PDA 12. The

system 10 also may include a portable data acquisition device 35, such as a UPS DIAD

device. The DIAD device incorporates an optical data port 37, which can transmit data

to a compatible peripheral optical data port 38 that is plugged into a communications

port of the PDA 12. Other portable data acquisition devices can be used, and they may

be interfaced to an RS-232 port of the PDA in a conventional manner for data transfer

with the PDA by known means, such as cable, RF link, infrared link, or optical link. The

system 10 may further include a personal computer 40 or other computer equipped with

an infrared port 42 compatible with the infrared port 23 of the PDA 12 (the mobile data

acquisition device has a mechanical/electrical interface to set up communication with a

data exchange station as recited in claim 8 of the instant application). The infrared port

42 is preferably that sold by AST. The principal use of this infrared link in the present

invention is to upload tracking information acquired by the PDA into the PC 40. The PC

40 then can be used as a station to search for or print parcel delivery status information.

With appropriate programming of the PC 40 and PDA 12, information can be

downloaded from the PC into the memory 18 of the PDA. As alternatives to the infrared

port, data communication between the PC and the PDA may be over known means,

such as cable, RF link, infrared link, or optical link. As also shown in FIG. 1, the PDA 12

may be connected to a remote central tracking computer 45 via normal or cellular

telephone lines using the modem 22 and a compatible modem in the computer 45. In

this way the PDA can access tracking information stored in the central computer 45 and

can receive such information from the computer 45. A printer 48 may be included in the

system and selectively connected to the PC 40 or the PDA 12 by appropriate cables. In

addition to being used to scan bar codes, the wand 25 also is used to enter data via the

touch-sensitive screen 14. This is done by engaging the tip 26 of the wand against the

screen to enter data either by pressing buttons or keys 15 defined by the screen

display, or by writing on the screen. In particular, a recipient of a parcel may use the

wand to enter his or her signature into the PDA to verify receipt of the parcel. The

signature information is stored in the memory 18 and is associated with other

information related to the same package, such as a tracking identification number

obtained by scanning the bar code 30 (the mobile data acquisition device has a memory

adapted to store identification specific data as recited in claim 7 of the instant

application). A system according to the present invention needs no stylus in addition to

the wand 25 (see Figures 1-2, col 4 line 33 to col 5 line 55).

Further, Kadaba teaches that returning to FIG. 3, at block 303 a procedure for

making a tracking query is indicated. The tracking procedure is illustrated in more detail

in the flow chart of FIG. 6 and the screen sequence of FIG. 7. From the main menu as

shown in FIG. 7A, the clerk taps the button "Track Packages" and is presented with a

query mode selection screen as in FIG. 7B for selecting "Internal Deliveries," that is,

deliveries checked in or out by the PDA 12, or "TotalTrack," which refers to an external

tracking database stored in the remote central computer 45. Referring to FIG. 6, upon

such entry of the type of query, at block 601, the processor determines which button,

internal or external query, has been tapped. If an internal query has been selected, the

clerk is presented with the screen of FIG. 7C and asked to select a query mode: by

date, by name of recipient, by tracking number, or by location of intended recipients

(searching by location so as to confirm whether the recipient is the addressee as recited

in claim 12 of the instant application). The clerk taps the appropriate button on the

screen. The clerk then may use the keypad display to enter the desired date, name, or

at least the last three digits of the tracking number. If a query by location has been

selected, the clerk is presented with a screen as in FIG. 7D containing a list of possible

locations. Upon tapping a particular location, it is displayed in a window. The above

selection step corresponds to data input block 603 in FIG. 6. After the query mode and

request data have been entered, the processor determines which mode has been

selected at block 604. If a recipient's name has been entered, at block 605 the

processor accesses the memory 18 and retrieves a list of the tracking numbers of

parcels that have been signed out to the identified person, sorted by date of delivery,

and optionally the signatures associated with each delivery (as recited in claims 11-12

of the instant application). If a date has been entered, at block 606 the processor

accesses the memory 18 and retrieves a list of the tracking numbers of parcels that

have been signed out on that date, sorted by recipient, and optionally the recipients'

signatures. This information may be displayed at block 607 in the manner shown in FIG.

7E. Information that does not fit on the screen 14 may be displayed by scrolling in a

known manner. If a tracking number has been entered, at block 608 the processor

accesses the memory 18 and retrieves the date and time the parcel corresponding to

the tracking number was signed out, the name of the recipient, and optionally the

recipient's signature. The display of the retrieved information on the PDA screen is

shown in FIG. 7F. If a recipient location has been entered, at block 608a the processor

accesses the memory 18 and retrieves and displays the dates and times, the recipients'

names, and optionally the signatures for all parcels delivered or to be delivered at the

selected location.Thus, tracking information acquired by the PDA 12 can be accessed at

any time using the PDA, and particularly can be queried before the PDA memory has

been loaded up to another computer. This is an important feature of the invention

because it eliminates a period of time during which tracking information acquired and

stored in a portable data acquisition device otherwise would not be accessible. If an

external query has been selected, from block 602 in FIG. 6 the logic steps to block 609

for input of a query mode directed to a database file in the central tracking computer 45.

Again tracking may be enabled by tracking number, name of sender or recipient, date,

or location of sender or recipient (preferably plus the name of an organization).

However, appropriate security identification may be required to permit the person

making the query to have access, particularly to broad lists by recipient or by date. At

block 610, the processor causes the modem 22 to initiate communication with the

computer 45. At block 611, the processor determines which query mode has been

selected. If a tracking number has been entered, at block 612 the processor accesses

the database file in the computer 45 and retrieves the scan history of the parcel

associated with the entered tracking number. If a date and an organization have been

entered, at block 613 a list of parcels received by the organization on the entered date

is retrieved. If a sender's or recipient's name is entered, at block 614 a list of parcels

sent by, received by, or in transit to the particular person is retrieved. The capability to

retrieve the scan history of each parcel in these lists can be provided (see Figures 6,

7A-F, col 7 line 5 to col 8 line 16). Hence, regarding claims 1 and 12, Kadaba teaches a

mobile data acquisition device, corresponding module, and method for use in deliveries

that comprises a reader for reading machine readable data and an input system for

receiving data that identifies the recipient of the object and data about the object by a

digital signature.

Regarding claims 1, 12, 19-21, and 24 Kadaba fails to teach that the recipient

identification reader is designed to read machine readable objects (independent claims

12 and 19), and more specifically, articles from the group consisting of magnetic cards,

chip cards, and transponders (independent claim 1).

Kumar teaches an integrated portable device for point of sale transactions.

Kumar teaches a handheld, portable device for processing point of sale transactions

that includes a housing, a magnetic card reader, a numeric and alphabetic keyboard for

entering information, and a barcode scanner for scanning product information. Kumar

discloses that the magnetic card reader 40 may be any conventional reader suitable for

reading credit card information encoded on a magnetic credit card 41 (FIG. 6) and

carried and mounted by means not relevant hereto within housing 20 substantially

adjacent to the first end 23 of housing 20 so as to allow an operator, whether a

salesperson or customer, to wipe the magnetic stripe of the card across the exposed

reading head 42 of magnetic card reader 40, as further discussed below. Of course,

where credit card 41 employs a different information encoding method, such as optical

or electrical, card reader 40 may be appropriately selected to respond to such other

encoding method. A substantially planer card guide 43 for directing credit card 41 and

its magnetic stripe into operative engagement with reading head 42 may be furnished

and connected to housing 11 as with flat head screws 44 (see Figure 2, abstract, col 3,

lines 45-61). Hence, Kumar teaches that it is well known in the art to have a

comprehensive device which is able to identify a consumer and product by many

different ways (i.e. magnetic card reader, barcode scanner, etc.). In addition, with

regards to claims 19-21, it is well known in the art that the magnetic reader, when

reading previously stored machine-readable identification data on a card, is able to

determine the authenticity by accessing a network server.

In view of the teaching of Kumar, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to employ a magnetic card reader to

the data acquisition device in addition to the barcode scanner in order to be able to

process more information regarding the parcel so as to have a more comprehensive

tracking and identification unit. In addition, the use of a magnetic card reader to read a

consumer's magnetic card is conventionally known to be a secure way to determine the

authenticity of a recipient.

Regarding claims 3 and 13, Kadaba teaches that the device includes an input

unit to enter a personal identification code in the form of a tracking number or security

identification (see col 8) and regarding claim 6, the tracking system as described shows

that the device includes a site-locating unit.

Regarding claims 4-5, Kadaba fails to teach that the device has a data

processing unit to execute electronic payments and that the device has a mobile radio

unit.

Kumar teaches that the communications assembly 110 allows device 10 to

obtain approval of credit card transactions, and may include, alternatively or in

combination, the components necessary to effect several different methods of obtaining

such approval. For example, device 10 may include a conventional radio frequency

transceiver 111, preferably employing spread spectrum modulation, to send the

information necessary for approval to a base station 112 including a like transceiver

113, central processing unit 114, memory 115 and input/output circuit 116 connected to

a telephone line. Base station 112 will call the credit card verification telephone number,

forward the necessary information, and receive and radio back to device 10 approval or

disapproval. If desired additional memory 117 may be included within communications

assembly 110 to store the information necessary for approval and transmit all such

information in one or more larger data batches, instead of transmitting each piece of

information as it is read, scanned or entered in device 10. Data jacks suitable for direct

serial data transmission may be provided in both device 10 and base station 112, and

device 10 and base station 112 plugged together to effect transfer. A modem 118 and

telephone jack may be installed within device 10, and device 10 plugged directly into the

public telephone network to obtain transaction approval. Communications assembly 110

may be carried within and mounted by means not relevant hereto to housing 20

substantially adjacent to magnetic card reader 40 underneath keyboard 50 (see Figure

6, col 5 lines 38-64). Mobile radio units are well known and notoriously old in the art for

transmitting information.

In view of the teaching of Kumar, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a data processing unit to execute electronic payments because this would make the system more comprehensive and would be able to accomplish more tasks in order to ensure proper delivery of packages. In addition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a mobile radio unit because the advantages of transmitting information through a mobile radio unit are numerous (i.e. quick, efficient transmission).

3.   Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba as modified by Kumar and further in view of Scott et al. (U.S. Patent No. 6,484,260, from hereinafter "Scott"). The teachings of Kadaba as modified by Kumar have been discussed above.

It is noted here that in the original office action the claims were rejected over Kadaba in view of Scott, wherein the phrase "Kadaba as modified by Kumar" was inadvertently left out by the examiner. However, this is not a change in the rejection and only a typographical error since claims 10 and 14 are dependent on claims 1 and 12, respectively, which are rejected under Kadaba and Kumar. Applicant made no mention of this typographical error in the response and examiner would like to apologize for any inconvenience.

Regarding claims 10 and 14, Kadaba as modified by Kumar fails to teach that biometric data is received from the recipient.

Scott teaches a personal identification system. Scott discloses a portable, hand-held personal identification device for providing secure access to a host facility includes a biometric sensor system capable of sensing a biometric trait of a user that is unique to the user and providing a biometric signal indicative of the sensed biometric trait. A processing unit responsive to the biometric signal is adapted to compare the biometric signal with stored biometric data representative of the biometric trait of an enrolled person that is unique to the enrolled person, and to provide a verification signal only if the biometric signal corresponds sufficiently to the biometric data to verify that the user is the enrolled person. The verification signal includes information indicative of the enrolled person or the device. A communication unit, including a transmitting circuit, is adapted to transmit the verification signal to a host system (see abstract, Figure 1, col 6, lines 41-53).

In view of the teaching of Scott, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a biometric reader to obtain biometric data because biometric data is unique to each person and the identity of the recipient would definitely be confirmed. This is desirable because the sender and recipient will both be able to be confident that the package was delivered to the correct person, hence decreasing forgery and theft. In addition, it is appropriate to combine Kadaba, Kumar, and Scott because the systems are portable data acquisition devices that are utilized to ensure correct transactions.

Response to Arguments

4.   Examiner would like to note that although there is a slight change in the rejection due to the amendment to the claim 12, the arguments are not moot in view of the new ground(s) of rejection since some of the arguments still pertain to the references as they stand. Hence, applicant's arguments filed 21 January 2005 have been fully considered but they are not persuasive.

5.   Examiner appreciates applicant's argument that Kadaba fails to teach or suggest a recipient identification reader that is designed to read articles selected from the group consisting of magnetic cards, chip cards, and transponders. Kadaba teaches a full range of identification and confirmation of delivery information. Kadaba teaches that the signature information of the recipient (which is converted into machine-readable data) is input into the device when the item is delivered. Hence, Kadaba does teach a recipient identification reader that reads machine-readable data via the entering of the digital data signature. In addition, Kadaba teaches that the signature information is stored in the memory 18 and is associated with other information related to the same package such as a tracking identification number obtained by scanning a bar code 30, which is also a machine-readable data item (see Kadaba, col 5, lines 44-55). However, Kadaba fails to teach that the article is selected from a group consisting of magnetic cards, chip cards, and transponders. This is why the Kumar reference is used to overcome this deficiency.

In response to applicant's argument that there is no motivation to combine Kumar and Kadaba, examiner respectfully disagrees and submits that it is appropriate to combine Kadaba with Kumar for the following reasons. Kadaba is teaching a parcel

tracking system that utilizes a barcode scanner in order to obtain information about the

package and a digital signature capture in order to obtain information about the

recipient. Hence, two means of obtaining data are utilized. Kumar is teaching that a

portable information transaction device is able to function with both a barcode scanner

and a magnetic card reader. It is well known in the art that barcode scanners, magnetic

card readers, and digital signature input pads are conventional ways to obtain

identification information from a user. Hence, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use Kumar to modify

Kadaba by replacing the digital signature pad of Kadaba with the magnetic card reader

of Kumar, so that the actual recipient of the package is more easily identified (i.e. a

person's magnetic card is more authentic than just having someone sign their digital

signature, which could be incorrect, and hence a reason to replace the signature

capture pad since it may be deficient in this way). The motivation to combine these

references exists in the fact that the system is more comprehensive and can better

identify a user with their magnetic card. In response to applicant's argument that the

magnetic card can functions as more for a billing purpose, examiner respectfully

disagrees and submits that a magnetic card is a very practical and positive recipient

identification since it is well known in the art that people use their own magnetic cards

for identification which are with them at all times in either a purse or a wallet for

purchases and identification etc. Hence, independent claims 1, 12, and 19 stand

rejected as being obvious over Kadaba in view of Kumar.

In response to applicant's arguments that the Scott reference does not overcome

the deficiencies with the Kadaba patent as it relates to claims 10 and 14, examiner

respectfully submits that Kadaba as modified by Kumar teaches the invention as recited

in the independent claims and Scott teaches the limitation of having a biometric sensor,

which is not taught in Kadaba or Kumar.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[lisa.caputo@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMC
April 15, 2005

DIANE I. LEE
PRIMARY EXAMINER